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Airlines Co. Welfare Benefit Plan,
incorrectly named as Southwest
Airlines Co. Funded Welfare
Benefit Plan*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

* * *

G. DALLAS HORTON & ASSOCIATES,
Plaintiff,

Case No.: 2:15-cv-01693-JCM-NJK

vs.

CYNTHIA HARRIS, an individual, LINCOLN
FINANCIAL GROUP, THE LINCOLN
NATIONAL LIFE INSURANCE COMPANY,
CIGNA GROUP INSURANCE, LIFE
INSURANCE COMPANY OF NORTH
AMERICA, SOUTHWEST AIRLINES CO.
FUNDED WELFARE BENEFIT PLAN,
AMERICAN MEDICAL RESPONSE,
FREMONT EMERGENCY SERVICES,
RADIOLOGY ASSOCIATES OF NEVADA,
ST. ROSE DOMINICAN – SAN MARTIN
CAMPUS, ALIGN CHIROPRACTIC
CENTENNIAL GROUP, ANTHEM
CHIROPRACTIC, SELECT PHYSICAL
THERAPY, PERSONAL PRIMARY CARE,
P.C., LAS VEGAS RADIOLOGY, MEDICAL
FUNDING RESOURCES,

STATEMENT REGARDING REMOVAL

Defendants.

Defendant, SOUTHWEST AIRLINES CO. WELFARE BENEFIT PLAN (the “Plan”),
incorrectly named as Southwest Airlines Co. Funded Welfare Benefit Plan, in compliance with
the Minute Order issued on September 3, 2015 (Doc. #3), states as follows:

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2. The Plan believes that Anthem Chiropractic and Align Chiropractic Centennial Group were served with the Summons and Complain in this matter; however, the dates of service are unknown.

4. To date, the above referenced Defendants have not joined in this removal. The claims with respect to the Plan arise out of Cynthia Harris' ("Harris") participation in the Plan, which is a self-funded employee welfare plan governed by the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, *et seq.* ("ERISA"). This Court has original jurisdiction of ERISA actions under 29 U.S.C. §§ 1132 (a) and (e), because the claims relate to benefits that Harris received under the Plan, and, thus, her claims are completely preempted and superseded by 29 U.S.C. § 1144(a). Pursuant to 28 U.S.C. § 1441(c)(2), the other Defendants are not required to join in this Notice of Removal because the claims asserted against the Plan are separate and independent claims for relief that arise under federal law.

Dated this 14th day of September, 2015.

Joshua A. Sliker

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of September, 2015, I served the foregoing
STATEMENT REGARDING REMOVAL as follows:

☒ US MAIL: by placing the document(s) listed above in a sealed envelope, postage prepaid, in the United States Mail at Las Vegas, Nevada, addressed to Cynthia Harris only.

☐ BY FAX: by transmitting the document(s) listed above via facsimile transmission to the fax number(s) set forth below.

☐ BY EMAIL: by emailing the document(s) listed above to the email address(es) set forth below.

☒ BY ELECTRONIC SERVICE: by electronically serving the document(s) listed above with the U.S. District Court's CM/ECF system upon the following:

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Cynthia Harris
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Defendant Pro Se
Via mail only

/s/ Jill L. Williams

An Employee of BARRON & PRUITT, LLP